IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH, JAIPUR

J U D G M E N T

S.B. Civil Misc. Appeal No.648/1997
Hanuman Singh & Ors. Vs. Har Sahai & Anr.

Date of Judgment :: 14th September, 2006

Hon'ble Mr. Justice G.S. Sarraf

Mr. Sandeep Mathur for appellants.
Mr. Rajesh Parashar for Mr. Tej Prakash Sharma for respondent no.2

The claimants-appellants have filed this appeal under Section 173 of the Motor Vehicles Act against the judgment / award dated 28.2.1997 of the Motor Accident Claims Tribunal, Kotputli, district Jaipur.

After hearing the parties the learned Tribunal passed an award of Rs.50,000/- in favour of the claimants-appellants for the death of Kalu Ram in an accident on 11.12.91. Appellants nos. 1 & 2 are the parents and appellant no.3 is the brother of the deceased Kalu Ram. Aggrieved by this judgment / award the claimants-appellants have filed this appeal.

The short controversy involved in this

case is that whether the compensation awarded by the learned Tribunal is fair and adequate.

I have heard the learned counsels Mr. Sandeep Mathur on behalf of the appellants and Mr. Rajesh Parashar on behalf of Mr. Tej Prakash Sharma for respondent no.2.

In my view as the deceased Kalu Ram was aged about 22 years it is obvious that, had he survived, he would have earned a substantial amount per month for the benefit of the family and as such the compensation of Rs.50,000/- appears to be inadequate. Even taking a reasonable view of the amount which the deceased would have earned had he survived and considering the future economic prospects of the deceased I deem it fit and appropriate to increase the award amount to a lump sum amount of Rs.1,50,000/-. Thus the claimants-appellants are entitled to compensation to the tune of Rs.1,50,000/-.

The appeal of the claimants-appellants is, therefore, allowed to the extent stated above and the amount of compensation is increased from Rs.50,000/- to Rs.1,50,000/-. The claimants-

appellants will be entitled to interest at the rate of 6% per annum from the date of the award of the learned Tribunal to the date of deposit/realisation on the enhanced amount. If the aforesaid amount is not paid or deposited within a period of three months then the respondents will have to pay interest at the rate of 12% per annum. The learned Tribunal shall deposit 50% of the enhanced amount and interest in the name of the claimant-appellant no.1 Hanuman Singh and the rest 50% in the name of the claimant-appellant no.2 Smt. Prabhati by way of F.D. in a nationalised bank for a period of 5 years. The claimants-appellants will get the interest quarterly but no advance of any kind or premature encashment shall be permitted in respect of the said amount. No order as to costs.

(G.S. Sarraf),J.

RS/